

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Mike Cordale Henderson,

Case No. 22-cv-0566 (WMW/ECW)

Petitioner,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

State of Minnesota and County of
Hennepin,

Respondents.

This matter is before the Court on the April 21, 2022 Report and Recommendation (R&R) of United States Magistrate Judge Elizabeth Cowan Wright. (Dkt. 10.) The R&R recommends dismissing Petitioner Mike Cordale Henderson’s petition for a writ of habeas corpus as untimely and denying his application to proceed *in forma pauperis*. Henderson filed timely objections to the R&R.

A district court reviews *de novo* those portions of a R&R to which an objection is made and “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1); *accord* Fed. R. Civ. P. 72(b)(3); LR 72.2(b)(3). When a party fails to file specific objections to a R&R, *de novo* review is not required. *See Montgomery v. Compass Airlines, LLC*, 98 F. Supp. 3d 1012, 1017 (D. Minn. 2015) (observing that objections to an R&R that “are not specific but merely repeat arguments presented to and considered by a magistrate judge are not entitled to *de novo* review, but rather are reviewed for clear error”). A district court reviews for clear error any aspect of an R&R to which no specific objection is made. *See Grinder*

v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam); *see also* Fed. R. Civ. P. 72(b) advisory committee’s note (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). Because Henderson is *pro se*, his objections are entitled to liberal construction. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007). Henderson does not raise specific objections to the R&R. Having reviewed the R&R, the Court finds no clear error.

Based on the R&R, the foregoing analysis and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Petitioner Mike Cordale Henderson’s objections to the R&R, (Dkt. 11), are **OVERRULED**.

2. The April 21, 2022 R&R, (Dkt. 10), is **ADOPTED**.

3. Petitioner Mike Cordale Henderson’s petition for a writ of habeas corpus, (Dkt. 1), is **DENIED** and this matter is **DISMISSED**.

4. Petitioner Mike Cordale Henderson’s application to proceed *in forma pauperis*, (Dkt. 9), is **DENIED AS MOOT**.

5. The Court does not grant a certificate of appealability.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 25, 2022

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge